

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FLYING J INC.; TCH LLC;
TRANSPORTATION ALLIANCE BANK INC.;
TON SERVICES INC.; CFJ PROPERTIES; AFJ
LLC; TFJ; and LOUISIANA GREENWOOD
LLC,

Plaintiffs

v.

PILOT TRAVEL CENTERS LLC;
PILOT CORPORATION; and COMDATA
NETWORK, INC. d/b/a COMDATA
CORPORATION.

Defendants.

**ORDER CONCERNING RULINGS AT
APRIL 16, 2009 HEARING ON
CERTAIN OF PLAINTIFFS'
DOCUMENT REQUESTS TO
COMDATA**

CASE NO. 1:06cv00030 TC

Judge Tena Campbell

Magistrate Judge David Nuffer

The Court enters this order to memorialize its rulings at the April 16, 2009 discovery hearing concerning certain of Plaintiffs' document requests to Comdata.

Plaintiffs' Document Requests Nos. 2(2) and 36:

The Court denies Plaintiffs' motion to compel with respect to Plaintiffs' Document Request Nos. 2(2) and 36 to Comdata. The Court does not believe the information sought in these requests about Comdata's communications, agreements, and understandings with its fuel card competitors (EFS, T-Chek, MultiService, and TransPlatinum) is relevant to Plaintiffs' claims alleged in the First Amended Complaint.

Plaintiffs' Document Request No. 4:

Comdata must amend its written response to Plaintiffs' Document Request No. 4 to Comdata to confirm that it did not withhold from its production of ESI that was gathered using the agreed upon search protocols, any non-privileged ESI that contained the words Irving Oil.

Plaintiffs' Document Request No. 7:

Comdata must supplement its response to Plaintiffs' Document Request No. 7 to explain what categories of documents it has not produced in response to this request and what business units it contends are not implicated by Plaintiffs' claims. Among other things, Comdata must state which categories of reports it has produced or will produce, and what categories of high level management analyses it has not produced.

Plaintiffs' Document Request No. 8:

Comdata must produce documents for the year 2008 from its corporate database concerning any customer concerns, comments or complaints about the quality of Comdata trucker fuel cards or Comdata, including Trendar, POS devices or systems (including without limitation, SmartFuel), or the prices, fees, confidentiality of data, or customer service associated with such cards, devices or systems.

Plaintiffs' Document Request Nos. 21, 35, 39:

Comdata will clarify what documents it produced or will produce in response to Plaintiffs' Document Request Nos. 21, 35, 39.

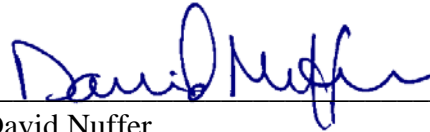
All Plaintiffs' Document Requests to Comdata:

Comdata will provide amended responses to the remaining requests addressed in Plaintiffs' April 9, 2009, letter to the Court explaining what particular categories of responsive documents Comdata has produced or will produce to Plaintiffs, and what categories of documents Comdata is refusing to produce in light of the objections it stated. Comdata's counsel

agreed to serve such amended responses within 10 days of the hearing. The Court has continued the April 16, 2009 hearing to May 19, 2009.

DATED this 18th day of May, 2009.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States Magistrate Judge